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PR 94-107

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THE U.S. PATENT & TRADEMARK OFFICE

WRITER'S DIRECT DIAL NUMBER

October 3, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

44,580

VIA FAX

Mr. William Canton
Secretary
Federal Communications Commission
1919 M Street, NW Room 826
Washington, D.C. 20554

Ms. Gina Harrison
Rules Branch
Land Mobile and Microwave Div.
Federal Communications Commission
Room 5202
2025 M Street, NW
Washington, D.C. 20554

Re: Petition on Behalf of the Louisiana Public Service
Commission for Authority to Retain Existing
Jurisdiction Over Commercial Mobile Radio
Services Offered Within the State of Louisiana

Dear Mr. Canton and Ms. Harrison:

I enclose copies of the Emergency Motion on Behalf of the Louisiana Public Service Commission for 10-Day Extension of Time to Reply to Comments Filed by Various Mobile Carriers and Motion for Expedited Consideration of Emergency Motion to be filed in the above-captioned proceeding.

No. of Copies rec'd
List ABCDE

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CERTIFICATE

I hereby certify that a copy of the above and foregoing Motion on Behalf of the Louisiana Public Service Commission for Extension of Time to Reply to Comments Filed by Various Mobile Carriers has been served upon counsel of record by facsimile transmission and that counsel of record have been notified orally of the filing of the motion as required by Federal Communication Commission Rule 1.46, this 2nd day of October, 1994.

Stephanie D. Sule

10/03/94

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**Re: Petition on Behalf of the Louisiana Public Service
Commission for Authority to Retain Existing
Jurisdiction Over Commercial Mobile Radio
Services Offered Within the State of Louisiana**

Dear Mr. Canton and Ms. Harrison:

I enclose copies of the Emergency Motion on Behalf of the Louisiana Public Service Commission for 10-Day Extension of Time to Reply to Comments Filed by Various Mobile Carriers and Motion for Expedited Consideration of Emergency Motion to be filed in the above-captioned proceeding.

October 3, 1994

Thank you for your assistance in this matter.

Sincerely,



Stephanie D. Shuler

Special Counsel to the
Louisiana Public Service Commission

SDS/cmw
Enclosure

cc: All counsel of record (via fax w/encl.)

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Petition on Behalf of the)	
Louisiana Public Service Commission)	
for Authority to Retain Existing Jurisdiction Over)	Docket No. _____
Commercial Mobile Radio Services Offered)	
Within the State of Louisiana)	

**MOTION FOR EXPEDITED CONSIDERATION OF
EMERGENCY MOTION ON BEHALF OF
THE LOUISIANA PUBLIC SERVICE COMMISSION
FOR 10-DAY EXTENSION OF TIME TO REPLY TO COMMENTS
FILED BY VARIOUS MOBILE CARRIERS**

The Louisiana Public Service Commission (the "Commission") respectfully requests expedited consideration of its Emergency Motion on Behalf of the Louisiana Public Service Commission for 10-Day Extension of Time to Reply to Comments Filed by Various Mobile Carriers.

1.

The Louisiana Commission's reply comments presently are due on October 4, 1994.

2.

Due to the voluminous nature of the comments filed by CMRS providers and the fact that counsel for the Louisiana Commission was not served with all of the comments filed by providers, the Louisiana Commission is unable to prepare a complete response to the providers' comments by October 4, 1994. The Louisiana Commission, therefore, is requesting

a brief 10-day extension of time, until October 14, 1994, in order to afford it sufficient time to prepare a comprehensive reply to these comments.

3.

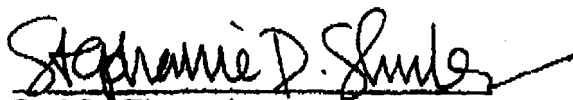
The Louisiana Commission has complied with the requirements of Federal Communication Commission Rule 1.46 and has notified counsel of record orally of the filing of the Emergency Motion on behalf of the Louisiana Public Service Commission for 10-day Extension of Time to Reply to Comments Filed By Various Mobile Carriers and will serve counsel of record by facsimile transmission.

CONCLUSION

Due to the proximity of the due date for filing reply comments, the Louisiana Commission requests expedited consideration of its Emergency Motion on Behalf of the Louisiana Public Service Commission for 10-day Extension of Time to Reply to Comments Filed By Various Mobile Carriers.

Respectfully submitted,

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Special Counsel to the
Louisiana Public Service Commission

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Petition on Behalf of the)
Louisiana Public Service Commission)
for Authority to Retain Existing Jurisdiction Over)
Commercial Mobile Radio Services Offered)
Within the State of Louisiana)

Docket No. _____

**EMERGENCY MOTION ON BEHALF OF
THE LOUISIANA PUBLIC SERVICE COMMISSION
FOR 10-DAY EXTENSION OF TIME TO REPLY TO COMMENTS
FILED BY VARIOUS MOBILE CARRIERS**

INTRODUCTION

The Louisiana Public Service Commission (the "Commission") respectfully requests a 10-day extension of time through Friday, October 14, 1994 in order to respond to the comments filed by various mobile carriers to the Louisiana Commission's Petition filed on August 9, 1994. This extension is necessary in order to provide the Federal Communications Commission ("FCC") with a complete and accurate record on which to decide the numerous complex issues in this matter. A brief extension of ten days will not cause any undue hardship to any party nor will it retard the progress of this proceeding. Therefore, for the reasons more fully set forth below, the Louisiana Commission respectfully requests this brief extension of time until Friday, October 14, 1994.

ARGUMENT

1.

In 1993 Congress passed the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, § 6002(b)(2)(A)&(B) 107 Stat. 312, 393, 1993. A portion of that Act

amended the Federal Communications Act, and these amendments are now encoded at 47 U.S.C. § 332(c).

The amendments to the Communications Act preempt state regulation of the entry of or the rates charged by any CMRS provider unless certain conditions are met. 47 U.S.C. § 332(c)(3). Notwithstanding the prohibition against state regulation of the rates charged by mobile carriers, states may petition the Federal Communications Commission ("FCC") for authority to regulate the rates charged for CMRS if certain conditions exist. The conditions which are relevant to this petition are as follows:

1. The state had in effect, on June 1, 1993, "any regulation concerning the rates for any commercial mobile service offered in such state". 47 U.S.C. § 332(c)(3)(B); or
2. Market conditions with respect to commercial mobile service in the state fail to protect consumers adequately from unjust and unreasonable rates or rates that are unjustly or unreasonably discriminatory. 47 U.S.C. § 332(c)(3)(A)(i).

As of June 1, 1993 Louisiana had regulations in effect concerning the rates for CMRS and, therefore, pursuant to 47 U.S.C. § 332(c)(3)(B) has petitioned the FCC for authorization to continue this rate regulation.

2.

The Louisiana Commission traditionally has exercised jurisdiction over the rates charged, services rendered, and various other terms and conditions of mobile carriers' operation within the State of Louisiana. Therefore, pursuant to the congressional mandate described above, the Louisiana Commission, on August 9, 1994, filed its Petition on Behalf of the Louisiana Public Service Commission for Authority to Retain Existing Jurisdiction Over Commercial Mobile Radio Services Offered Within the State of Louisiana.

3.

In response to that filing, the Louisiana Commission has been informed that CMRS providers filed approximately 700 pages of comments. The vast majority of those comments opposed the retention of jurisdiction by the Louisiana Commission and a number of those comments even disputed the fact that the Louisiana Commission exercised such jurisdiction in the past.

4.

The Louisiana Commission has not been served with all of the comments filed in response to its Petition and, therefore, has not been able to review and analyze the full set of responses to its Petition. As such, the Louisiana Commission requires a brief extension of time in order to respond to all comments filed.

5.

The issues raised in this proceeding are both varied and complex. FCC action on the Louisiana Commission's Petition may effect far reaching changes in the manner in which the Louisiana Commission regulates mobile carriers and may impact the development of the industry as a whole. In addition, any action by the FCC may have a profound effect on the rates paid by and services rendered to Louisiana ratepayers. The Louisiana Commission is constitutionally charged with protecting the interests of those ratepayers.

Because of the complexity of the issues involved and the impact of any FCC action, the Louisiana Commission believes that it is in the best interests of all parties as well as the FCC to have a complete and accurate record prior to making any decision. Due to the volume of comments received in response to our initial Petition, the Louisiana Commission

requires a brief extension of time in which to file its reply. The Louisiana Commission's reply is currently due on Tuesday, October 4, 1994. We are respectfully requesting an extension of time of ten days, until Friday, October 14, 1994 in which to submit that reply.

6.

The California and New York Commissions have received extensions of time to reply until October 19, 1994. Since the Louisiana Commission is requesting an extension only until October 14, 1994, the granting of this extension will not cause undue delay in these proceedings.

7.

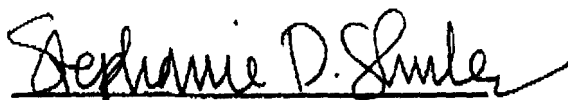
A brief extension of ten days will not adversely impact any party to this proceeding nor will it materially retard its progress.

CONCLUSION

The issues in this proceeding are varied and complex. Any action by the FCC will likely have a material impact on the mobile telecommunications industry and the customers served by that industry. The Louisiana Commission is obligated to balance the interests of both telecommunications service providers and ratepayers. As such, the Louisiana Commission has a vital interest in the impact of these proceedings. In order to compile a complete and accurate record the Louisiana Commission requires a very brief extension of time to file its response.

and those more fully discussed above, the Louisiana Public Service Commission respectfully requests an extension of time until Friday, October 14, 1994 in which to file its response.

Respectfully submitted,



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